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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

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CLERK U.S. DISTRICT COURT SOUTHERN DISTRICT OF CALIFORNIA

BY: [signature] DEPUTY

UNITED STATES OF AMERICA	) **Magistrate Docket No.** '08 MJ 0994
Plaintiff	)
v.	) COMPLAINT FOR VIOLATION OF:
Teodulo RODRIGUEZ GARCIA	) **TITLE 18 U.S.C. § 1544**
AKA: Manuel ESCOBEDO	) **Misuse of Passport (Felony)**
AKA: Jose RAMOS COVARRUBIAS	)

The undersigned complainant, being duly sworn, states:

Count 1

On or about March 28, 2008, within the Southern District of California, Teodulo RODRIGUEZ GARCIA did knowingly and willfully use a passport issued or designed for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry to the United States by presenting a US passport number 200126409 issued in the name Jose Asuncion RAMOS COVARRUBIAS, to a Department of Homeland Security, Customs and Border Protection Officer, knowing full well that he was not Jose Asuncion RAMOS COVARRUBIAS, that the passport was not issued or designed for his use, and that he is not a United States citizen entitled to a U.S. Passport; in violation of Title 18, United States Code, Section 1544.

Count 2

On or about March 31, 2008, within the Southern District of California, Teodulo RODRIGUEZ GARCIA did knowingly and willfully use a passport issued or designed for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry to the United States by presenting a US passport number 305264472 issued in the name Manuel ESCOBEDO, to a Department of Homeland Security, Customs and Border Protection Officer, knowing full well that he was not Manuel ESCOBEDO, that the passport was not issued or designed for his use, and that he is not a United States citizen entitled to a U.S. Passport; in violation of Title 18, United States Code, Section 1544.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

[signature]
Richard M. Escott
Senior Special Agent
U.S. Department of State
Diplomatic Security Service

SWORN AND SUBSCRIBED TO before me
This 1st day of April, 2008.

[signature] UNITED STATES MAGISTRATE JUDGE

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PROBABLE CAUSE STATEMENT & STATEMENT OF FACTS

I, Richard Michael Escott, being duly sworn, declare under penalty of perjury that the following statement is true and correct:

1. I am a Senior Special Agent (SSA) with the U.S. Department of State, Diplomatic Security Service (DSS) assigned to the San Diego, CA Resident Office. I have been so employed for eight years and have investigated numerous violations involving the false application for and misuse of United States Passports and Visas.

2. During the performance of my duties, I have obtained evidence that Teodulo RODRIGUEZ GARCIA used the passport issued for the use of another on 03/28/2008 and 03/31/2008. This Affidavit is made in support of a complaint against DEFENDANT for violations of Title 18, U.S.C., Section 1544, Misuse of a Passport.

3. On 03/31/2008, at approximately 1420 hours, DEFENDANT presented himself to a Department of Homeland Security, Customs and Border Protection (CBP) Officer at the pedestrian lines of the San Ysidro Port of Entry, to apply for admission into the United States. DEFENDANT identified himself with U.S. Passport number 305264472 bearing the name Manuel ESCOBEDO, DPOB 05/15/1961, Mexico, and a photograph that did not bear the likeness of DEFENDANT. An inspection scan of the passport revealed that it had been reported lost/stolen. DEFENDANT was referred for secondary inspection.

4. On 03/31/2008, at approximately 1445 hours the Affiant was advised by a CPB Officer at the San Ysidro POE that DEFENDANT had been detained at the secondary inspection area of the San Ysidro POE. In reviewing the documents, Affiant recalled that DEFENDANT had presented another false passport on 03/28/2008 while affiant was in the pedestrian area of the San Ysidro Port of Entry. The passport that DEFENDANT had used on 03/28/2008 was recovered from CBP.

5. On 03/31/2008, at approximately 1700 hours, DEFENDANT was retrieved from the pedestrian secondary inspection area and was brought to an interview room. The Affiant, assisted a CBP Officer, who also acted as translator, obtained consent from DEFENDANT to have his interview audio and video taped. DEFENDANT was read his Miranda warning aloud in Spanish from a written copy. He indicated that he understood and waived his right to counsel. He admitted that his true name was Teodulo RODRIGUEZ GARCIA, DPOB, 02/17/1963, Jalisco, Mexico. He stated that he was a citizen of Mexico and not a citizen of the United States. DEFENDANT admitted that on or about 03/28/2008 he promised to pay a smuggler $2,000 for a false US Passport and safe passage to Los Angeles DEFENDANT identified US Passport number 200126409 in the identity of Jose Asuncion RAMOS COVARRUBIAS. He admitted that he subsequently used that US Passport to apply for entry into the United States at the San Ysidro Port of Entry on or about 03/28/2008. DEFENDANT admitted that on or about 03/29/2008 he was removed to Mexico. He admitted knowing that the passport was not issued or designed for his use.

6. DEFENDANT admitted that upon being removed from the United States, he sought out another smuggler to facilitate his illegal entry into the US. DEFENDANT admitted that on or about 03/31/2008 he promised to pay a smuggler $2,000 for a false US Passport and safe passage to Los Angeles DEFENDANT identified US Passport number 305264472 in the identity of Manuel ESCOBEDO, with an altered date of birth, changed from 05/15/1951 to 05/15/1961. He admitted that he subsequently used that US Passport to apply for entry into the United States at the San Ysidro Port of Entry on or about 03/31/2008. DEFENDANT admitted knowing that the passport was not issued or designed for his use.

7. DEFENDANT said that he had previously been living illegally in the United States from 1979-1989, 2000-2001 and 2002-2003. He admitted knowing that it was illegal use a US Passport in the name of another and to falsely claim to be a U.S. Citizen. DEFENDANT made a recorded oral confession as to his true identity and to elements of the charge. Record checks were conducted by Affiant which indicated that both US Passports had been reported lost/stolen. On 03/31/2008, affiant was able to locate VICTIM, Manuel ESCOBEDO via telephone. VICTIM stated that his passport had been stolen from his vehicle along with other items when his vehicle was burglarized in Tijuana, Mexico approximately 3 weeks prior.

On the basis of the facts presented in this probable cause statement consisting of 2 pages, there is probable cause to believe that the defendant named in this probable cause statement committed the offense on or about 03/28/2008 - in violation of Title18, United States Code, Section 1544: Misuse of a passport - when he knowingly and willfully used the passport belonging to another, Jose Asuncion RAMOS COVARRUBIAS, knowing that it was not issued or designed for his use, in order to gain admission into the United States; and on or about 03/31/2008 - in violation of Title18, United States Code, Section 1544: Misuse of a passport - when he knowingly and willfully used the passport belonging to another, Manuel ESCOBEDO, knowing that it was not issued or designed for his use, in order to gain admission into the United States.

CONTINUATION RE:

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CRIMINAL HISTORY: